

**SUPREME COURT MINUTES  
THURSDAY, NOVEMBER 3, 2005  
SAN FRANCISCO, CALIFORNIA**

**S121552**

B161773 Second Appellate District,  
Division Six

**MARTINEZ v. COMBS**

Briefing ordered in previously held case

Review was granted in this matter on March 3, 2004, and briefing ordered deferred pending disposition of the appeal in *Reynolds v. Bement*, which was filed on August 11, 2005, and is now final (36 Cal.4th 1075).

Appellants are now directed to file, within 30 days of the filing of this order, an opening brief on the merits. Within 30 days of the filing of that brief, respondents are to file an answer brief. Within 20 days of the filing of that brief, appellants may file a reply brief to respondent's answer brief.

**S138425**

B181881 Second Appellate District,  
Division Four

**SHAPELL INDUSTRIES v. S.C. (STARK)**

Petition for review and application for stay denied

**S128550****TAYLOR (RONALD) ON H.C.**

Extension of time granted

to November 4, 2005 to file Respondent's informal response to the petition for writ of habeas corpus.

**S129115****KIPP (MARTIN JAMES) ON H.C.**

Extension of time granted

to November 30, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 45 additional days will be granted. Extension is granted based upon Deputy Federal Public Defender Mark Drozdowski's representation that he anticipates filing that document by 1/13/2006.

**S129463**

B161549 Second Appellate District,  
Division Two

CITY OF HOPE v. GENENTECH

Extension of time granted

to December 10, 2005 to file appellant's reply  
brief on the merits.

**S132772**

GRISHAM v. PHILIP MORRIS

Extension of time granted

On application of respondents and good cause  
appearing, it is hereby ordered that the time to  
serve and file Respondents' Response to  
Appellant Grisham's Request for Judicial Notice  
is extended to and including December 23,  
2005, the same time both Respondents' Answer  
Briefs on the Merits are due.

**S118561**

A093424 First Appellate District,  
A093649 Division Three

KINSMAN v. UNOCAL CORPORATION

Request for judicial notice denied

**S136655**

A105612 First Appellate District,  
A105613 Division Four

YAMAGIWA v. CITY OF HALF MOON BAY (CALIF  
COASTAL COMMISSION

Order filed

The order filed on November 2, 2005, denying  
the petition for review and requests for  
publication is amended as to the additional  
Court of Appeal number reflected above.

**S136729**

DICKSON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROY CHESTER DICKSON**,  
**State Bar No. 105583**, be suspended from the  
practice of law for two years, that execution of  
suspension be stayed, and that he be placed on  
probation for two years on condition that he be  
actually suspended for 75 days. Respondent is  
also ordered to comply with the other conditions  
of probation recommended by the Hearing  
Department of the State Bar Court in its Order

Approving Stipulation filed June 30, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs are to be added to and become a part of membership fees for years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

**S136730**

**BUDA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **PHILIP HARVEY BUDA, State Bar No. 83369**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective

date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S136731**

**BARNETT ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DONALD BARNETT, State Bar No. 33012**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, and until he makes restitution to Jahangir Yamtob (or the Client Security Fund, if appropriate) in the amount of \$4,608.68 plus 10% interest per annum from December 11, 1998; to Michael Yamtob (or the Client Security Fund, if appropriate) in the amount of \$2,533.00 plus 10% interest per annum from December 11, 1998; and to Niranjan Shah (or the Client Security Fund, if appropriate) in the amount of \$54,500.00 plus 10% interest per annum from January 16, 2001, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three and one-half years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, and until he makes restitution to Jahangir Yamtob (or the Client Security Fund, if appropriate) in the amount of \$4,608.68 plus 10% interest per annum from December 11, 1998; to Michael Yamtob (or the Client Security Fund, if appropriate) in the

amount of \$2,533.00 plus 10% interest per annum from December 11, 1998; and to Niranjan Shah (or the Client Security Fund, if appropriate) in the amount of \$54,500.00 plus 10% interest per annum from January 16, 2001, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 6, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S136734

## MILLER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MICHAEL S. MILLER, State Bar No. 158019**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 17, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the

California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S136739****SHATZEN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ROBERT STANLEY SHATZEN, State Bar No. 54542**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for four months, recommended by the Hearing Department of the State Bar Court in its decision filed on May 24, 2005, as modified by its order filed June 7, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of

the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S014021**

PEOPLE v. DEAN PHILLIP CARTER  
Order filed

Court's 150-day statement.

**S023000**

PEOPLE v. DEAN PHILLIP CARTER  
Order filed

Court's 150-day statement

**S058092**

PEOPLE v. MAURICE LYDELL HARRIS  
Order filed

Court's 150-day statement

**990737-05**

THE HONORABLE MADELEINE J. FLIER, Associate Justice of the Court of Appeal, Second Appellate District, Division Eight, is hereby assigned to assist the Supreme Court, as a justice thereof, on November 3, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.